

1859-004  
Lee Co.

Chancery Causes: Adm. of Benjamin Dickinson for to vs. William L. Stubblefield

Allen, Martin, Crockett

CA-Debt

T-Property



To the worshipful County Court of Lee County, in Chancery sitting, the bill of complaint of John H. Allen, administrator de bonis non of Benjamin Dickinson deceased, who sues for the benefit of Benjamin D. Martin, respectfully shews:

That at the Term of the Circuit Court of said County, the then administrators of said Dickinson obtained a judgment against one William L. Stubblefield, in an action of Debt before that time brought in the said Circuit Court against him, for \$681.00, with legal interest from the 17<sup>th</sup> day of October 1854, and the costs of that suit amounting to \$6.80. Afterwards the said Stubblefield obtained an injunction from the Judge of said Court to said judgment, which remained in force till the Term of said Circuit Court which was held in October 1858, when by a decree of the Court the said injunction was dissolved. The said debt was one which was due for the remainder of the purchase money for two lots in the Town of Jonesville in said County, known in the plan of said Town as lots N: 14 & 19, & whereon said Stubblefield lived till recently, which he had some years ago purchased from the said Dickinson in his lifetime. The said judgment is subject to a credit for the sum of \$79.11 with legal interest from the 3<sup>rd</sup> day of March and the costs of a suit amounting to \$6.51 a judgment having been obtained therefor against B. D. Martin then <sup>agent of Ben: Dickinson decd.</sup> by Joseph Fairfax for the benefit of the said Stubblefield. The said Stubblefield has removed from the County, and has gone, it is generally believed, to the State of Texas. The object of this bill is, to enforce the Vendor's lien by subjecting the said lots to sale for the payment of said purchase money. The said Stubblefield has no other property within the reach of the Court known to your orator.

The prayer of your orator therefore is, that the said William L. Stubblefield be made a party defendant to this bill, and be required to answer the same.



truly on oath; That your worships, by your decree in the  
premises, will direct a sale of the said lots for the retri-  
bution of said purchase-money; and that you will grant  
to him such other & general relief as may be suited to  
his case & belong to equity. May it please your worships  
to grant the Commetts writ of Spem, directed &c.

Johnstone for  
Comptt. *Johnstone*



J. H. Allen, admr. of B. Dickinson  
for B. D. Martin

W. Z. Bice - Chy,

Wm L. Stubblefield

1871. Dec. 1st. Will filed on  
re-publication  
1871. Jan. Rules, continued  
" Feb. 4. March, continued  
" April. Rules - Continued  
" April. Term, Decree,

C	3.00
"	1.00
"	1.00
"	1.00
Printed by	7.50
	17.16



J.H. Allen admr. &c. vs. Wm L. Stubblefield - Chg.

On the motion of the complt this cause is set for hearing; and thereupon it came on this day to be heard upon the bill of the complt, the evidence filed, and was argued by counsel; And it appearing, that the defendant is not an inhabitant of this Commonwealth, and that the order of publication entered against him at the last December rules has been duly published and posted, and that more than one month has elapsed since the completion of said publication, and he having still failed to appear and answer the complt's bill, the same is taken for confessed; It is therefore adjudged, ordered, & decreed, that the complt's lien, as the representative of the vendor, upon the two lots in the town of Jonesville mentioned in the bill be enforced by the sale thereof for the purpose of discharging the balance of the judgment in the bill mentioned, and that Peter C. Johnston, who is hereby appointed a commissioner for the purpose, sell the said lots at public sale, to the highest bidder, on <sup>the first day of the next May County Court</sup> ~~some~~ ~~Court day~~, at the front door of the Court House of this County, on a credit <sup>till the 1st day of January 1860</sup> ~~for one month~~ with interest from the day of sale, after having advertised such sale for at least <sup>ten days</sup> ~~thirty~~ days previous thereto at the front door of the Court House of this County, and at such other place or places as he may consider necessary to give proper notice thereof, and take bond with good security for the purchase money, retaining the title to the said lots till the purchase money shall be all paid; and that he report his proceedings to this Court - And the cause is continued.



J. H. Allen, admr. &c.

25. } Deane.

Wm L. Stubblefield

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April term 1859.

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Order Book page 324  
April Term 1869



Virginia

At a circuit court continued and held for the county  
at the court house thereof on the 14<sup>th</sup> day of October  
1857.

Benjamin Dickerson & Admrs Plaintiffs

against

William L Stubblefield

Defendant

In Debt.

This day came again the parties by their attorneys, and the  
defendant withdrew the demurer and pleas heretofore filed  
by him in this case, and no other plea being offered the  
defendant remains altogether undefended, therefore it is  
considered by the court that the plaintiffs recover against  
the defendant \$681.00 with legal interest thereon from  
the 17<sup>th</sup> day of October 1854 till payment and their cost  
by them in this behalf expended and the said defendant  
in money &c.

Attest

Wm. Morgan, Clerk

4. 46



Virginia So County to wit

This day personally appeared before the undersigned clerk of the county court of So County, Eli B. Crockett, and made oath that William Stubbisick is not an inhabitant of this commonwealth, to the best of his knowledge & belief given under my hand this 6<sup>th</sup> day of December 1858.

H. J. Morgan, C. C.



B. Dickinson's adm.

iv. } affidavit

Wm. Stubblefield

of non-residence



Virginia

It was held in the clerk's office of the County Court  
of Lee County on Monday the 6<sup>th</sup> day of December 1858.  
John W. Allen Administrator *de bonis non* of  
Benjamin Dickinson deceased who sues for the  
benefit of Benjamin S. Martin.

Complainant.

Against

William L. Stubblefield

Defendant

In Chancery

The object of this suit is to obtain a decree of the court subjecting  
the town lots in the bill mentioned to sale for the payment of  
the purchase money due thereon and it appearing from satisfactory  
evidence that the defendant, William L. Stubblefield, is not an  
inhabitant of this commonwealth. It is ordered that said defendant  
do appear here within one month after due publication of this order  
and answer the bill of complainant or do what is necessary to protect  
his interest, and that a copy of this order be forthwith inserted in  
some newspaper published in this commonwealth for four successive  
weeks and posted at the door of the Court House of Lee County.

H. J. Morgan, C. C.

Virginia Lee County suit

This day personally appeared before the undersigned  
a justice of the peace in and for  
~~Benjamin S. Martin~~ Lee County Henry J. Morgan  
and made oath that he had posted a copy of the above  
order at the door of the Court House of Lee County  
on the 1<sup>st</sup> Monday in December 1858, given under my  
hand this <sup>18<sup>th</sup></sup> day of ~~December~~ April 1859.

J. H. Duff, J. P.



W. Allen Adm & J. J. J. J.

5) Orner Publication

W. H. Hubbard



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*William S. Stubblefield*

to appear before the Justices of our County Court for Lee county, at the Court House, *on the 1<sup>st</sup> Monday*  
*in December next*

to answer  
a bill in Chancery exhibited in our said Court against *him* by *John H. Allen* administrator  
*de bonis non* of *Benjamin Dickinson Reed*, who sues for the benefit  
of *Benjamin D. Martin*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House,  
this *8<sup>th</sup>* day of *November* 185*8*, in the *83<sup>rd</sup>* year of the Commonwealth.

*H. J. Morgan, C. C.*



John A. Allen, <sup>forge</sup> Adm<sup>r</sup>

25 } Spain Chy.

W. S. Stubbfield,

Dec: 1858.

not executed &  
W. S. Stubbfield  
has left the  
Commonwealth  
Nov 15<sup>th</sup> 1858  
D. Pollock 223



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*William S. Stubblefield,*

to appear before the Justices of our County Court for Lee County, at the Court House, *on the 1<sup>st</sup> Monday*  
*in December next.* -

a bill in Chancery exhibited in our said Court against

*him* by

*John H. Allen*

to answer

*administrator*

*de bonis non* of Benjamin Dickinson *decd.* who sues for the benefit  
of Benjamin S. Martin

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this  
*8<sup>th</sup>* day of *November* 1858, in the *83<sup>rd</sup>* year of the Commonwealth.

*H. J. Morgan, C. C.*

*A Copy Teste. H. J. Morgan, C. C.*



VIRGINIA, Washington County, to wit:

I do hereby certify that the annexed notice has been published, four weeks successively, in the ABINGDON VIRGINIAN, a newspaper printed in the town of Abingdon and State aforesaid.

Given under my hand Jan'y 13<sup>th</sup> 1859

Printer's fee, \$

Geo. D. Morgan.  
Jr. Ed. Virginian

VIRGINIA:—At Rules held in the Clerk's office of the County Court of Lee county, on Monday, the 6th day of December, 1858:

John H. Allen, Administrator *de bonis non* of Benjamin Dickinson, dec'd, who sues for the benefit of Benjamin D. Martin, Complainant,

AGAINST William L. Stubblefield, Defendant.

IN CHANCERY.

The object of this suit is to obtain a decree of the Court subjecting the town lots in the bill mentioned to sale, for the payment of the purchase money due thereon; and it appearing from satisfactory evidence that the defendant, William L. Stubblefield, is not an inhabitant of this Commonwealth, it is ordered that said defendant do appear here within one month after due publication of this order, and answer the bill of complainant, or do what is necessary to protect his interest; and that a copy of this order be forthwith inserted in some newspaper published in this Commonwealth, for four successive weeks, and posted at the door of the Court House of Lee county.

A Copy.—Teste,  
Dec. 18, 1858—4w H. J. MORGAN, C. C.

Said to Mr Morgan,